

TOPICS AFFECTING SMALL BUSINESS GOVERNMENT CONTRACTING

**DoD Small Business Training Conference
May 2012**

UPDATED 5/25/2012

PRESENTER: Julie Krnc
Small Business Training & Consulting LLC

Overview

- ▶ **SBA Rules (*Title 13 CFR Chapter I*)**
- ▶ **FAR Cases**
- ▶ **DFARS Cases / PGI / DoD Deviations**
- ▶ **Items of Interest**
- ▶ **How Can You Stay Current?**
- ▶ **Q & A**

**Presentation & handout will be posted on
DoD OSBP website:
<http://www.acq.osd.mil/osbp>**

Final vs Interim vs Proposed vs Open

▶ OPEN

- In development, not published yet

▶ PROPOSED

- Published in Federal Register, **no** effective date, deadline for comments

▶ INTERIM

- Published in Federal Register, effective date, deadline for comments

▶ FINAL

- Published in Federal Register, effective date, **caution:** may include changes from interim

SBA Rules

- ▶ **Final:** Technical Amendments (3256-AG15)
 - Publish list & rationale for bundling
- ▶ **Final:** Protest & Appeal (3245-AF65)
 - Must stay solicitation during NAICS appeal process
- ▶ **Interim:** HUBZone (3245-AG41)
 - HUBZone SB may reapply within 90 days vs 1 year
- ▶ **Proposed:** Subcontract Integrity (3245-AG22)
 - Good faith effort to award same % as proposed
 - Justify if don't meet %
 - Notification if reduced payment to SB subs or payment > 90 days past due

Proposed: SBA 3245-AG23

Size & Status Integrity

Submission of offer on FAR 19 solicitation

=

Size/status certification by offeror

=

Willful misrepresentation if not small / appropriate status

- ▶ **Authorized official must sign on same page as size / status representation**
- ▶ **Annual representation in ORCA**

SBA Size Standard Review

(See: Back of Handout, Page 4)

STATUS	NAICS SECTOR
<i>Final</i>	48 – 49 54
<i>Proposed</i>	51 53 56 61 62
<i>Open</i>	22 23 71

FAR Cases

- ▶ **Final: WOSB Program (2010-015)**
 - 4 SBA-approved 3rd Party Certifiers
- ▶ **Final: Socioeconomic Program Parity (2011-004)**
 - Difference from Interim to Final case
 - Consider market research & agency goal achievements

FAR Cases

- ▶ **Final: WOSB Program (2010-015)**
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Final: Additional Requirements for Market Research (FAR 2008-007)

- ▶ **Perform market research before awarding ID/IQ task or delivery order for noncommercial items > SAT**
- ▶ **May use market research performed in past 18 months if current, accurate, & relevant**

Final: Transition to SAM **(FAR 2011-021 & DFARS 2011-D053)**

Current: Integrated Acquisition Environment (IAE)



Future: System for Award Management (SAM)

FedBizOpps, CCR, ePLS, PPIRS, ORCA,

WDOL, eSRS, FPDS-NG, CFDA

ONE LOGIN ONE USER ID ONE PASSWORD ONE HOST



Phase 1: CCR, ORCA, ePLS, FedReg

5/29/2012

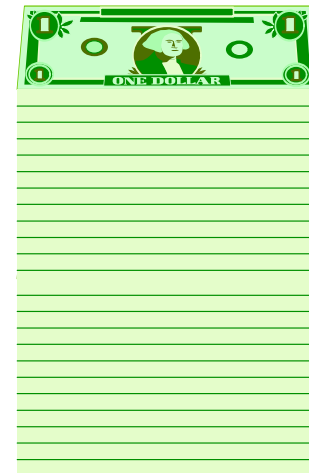
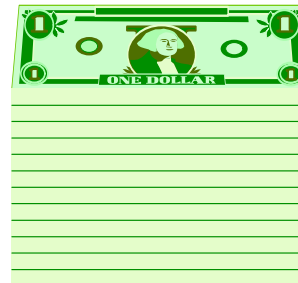
Interim: Set-Asides for Small Business (FAR 2011-024)

▶ Discretionary set-asides

- **Orders / BPAs under FSS**
- **Orders under multiple award contracts**
- **Multiple award contracts – may reserve an award under FAR 19 procedures**
- **Must use appropriate set-aside & limitations on subcontracting clauses**

DFARS Cases / PGI / DoD Deviations

- ▶ **Final:** Accelerate Small Business Payments (2011-D0008)
 - DoD – Effective 1/24/2012 for payments processed through AVEDS/FAS/SAVES/MOCAS (see Deviations)
 - Pay “as quickly as possible”
 - *Not authority for advance payments*



Items of Interest

- ▶ **DD 2579 revision in the works**
- ▶ **NAICS 2012**
 - **OMB rollback to NAICS 2007 until SBA establishes size standards**
 - **Projected 10/2012**
- ▶ **Product & Service Codes Manual revised**


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Small Business Contracts

 Show only Recovery Act Contracts
FY 2012  GO Report Data Issues

Government-wide Overall

Goal Category	Eligible Dollars 	Actual Dollars	Goal %	Actual %
Small Business	\$150.4B	\$25.2B	23 %	16.72 %
Small Disadvantaged Business	\$150.4B	\$8.6B	5 %	5.69 %
Women Owned	\$150.4B	\$4.3B	5 %	2.89 %
Service Disabled Veteran Owned	\$150.4B	\$3.1B	3 %	2.04 %
Certified HUBZone Small Business	\$150.4B	\$1.8B	3 %	1.21 %

By Agency

Agency Name		Eligible Dollars 	Small Business		Socio Economic			
			Goal (%)	Actual (%) (Dollars)	SDB (Goal 5%) (Dollars)	WOSB (Goal 5%) (Dollars)	HUB Zone (Goal 3%) (Dollars)	SDVO (Goal 3%) (Dollars)
Department of Defense		\$84.5B	22.5 %	14.16 % (\$12.0B)	4.61 % (\$3.9B)	2.17 % (\$1.8B)	1.17 % (\$985.4M)	1.12 % (\$944.6M)
Department of Energy		\$19.9B	10 %	2.75 % (\$545.9M)	0.81 % (\$161.5M)	0.47 % (\$93.8M)	0.2 % (\$39.7M)	0.17 % (\$33.3M)
Department of Veterans Affairs		\$7.7B	34 %	29.36 % (\$2.3B)	6.14 % (\$475.9M)	2.95 % (\$228.6M)	1.24 % (\$96.0M)	15.34 % (\$1.2B)
National Aeronautics and Space Administration		\$7.6B	15.2 %	19.66 % (\$1.5B)	8.05 % (\$644.1M)	2.64 % (\$211.2M)	1.27 % (\$101.6M)	0.98 % (\$78.4M)
Department of Services								
Department of Homeland Security		\$6.0B	32 %	31.27 % (\$1.88B)	13.28 % (\$816.8M)	6.3 % (\$398.4M)	2.88 % (\$178.8M)	5.99 % (\$364.8M)

<http://smallbusiness.data.gov>

Items of Interest: NEW TRAINING

- ▶ **DAU Small Business Program for Contracting Officers (CLC 025)**
- ▶ **DAU Small Business Program for Program Managers (CLM 059)**

Distance learning modules



HOW CAN YOU STAY CURRENT?



Tips for Staying Current

- ▶ DoD Regional Councils <http://acq.osd.mil/osbp>
- ▶ DoD Small Business Conference
- ▶ Component Small Business Specialist Meetings



Tips for Staying Current: *Electronic Subscriptions*

▶ FAR

- Acquisition News <https://www.acquisition.gov/far>
- FAR Update Alerts <http://www.fai.gov/drupal/node/24>

▶ GAO

- Reports, decisions, testimony by topic
<http://www.gao.gov>

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Items of Interest

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Topics

DFARS and DFARS PGI

DPAP Policy is a central repository of documents that are available for dissemination to the public. Unclassified, non-confidential memoranda, guidance, regulations, and other DPAP-related policy documents can be found here. Policy memos are also located in the appropriate PGI subpart.

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FAR

FAR is the Federal Acquisition Regulation.

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Class Deviations

The Director of Defense Procurement and Acquisition Policy issues class deviations when necessary to allow organizations to deviate from the FAR and DFARS.

[Read More >>](#)

Publication Notices

Defense FAR Supplement Publication Notices.

Tips for Staying Current:

Defense Acquisition Regulation System

- ▶ **DFARS Publications**
- ▶ **FAR**
- ▶ **DFARS News Feed**
- ▶ **FAR & DFARS Case Status**

**Also Google, Yahoo, Bing
FAR / DFARS Case # or SBA Rule #**

<http://www.acq.osd.mil/dpap/dars/>

Tips for Staying Current: *Electronic Subscriptions*

▶ SBA

- Email updates <http://www.sba.gov>
- News & press releases <http://www.sba.gov/about-sba-services/223>
- Newsletters & Publications <http://web.sba.gov/list>
- Small Business Development Center <http://www.sba.gov/content/small-business-development-centers-sbdcs>

▶ SCORE eNewsletter <http://www.score.org>

▶ Small Business Community of Practice

- Sign up for ACC account & subscription <https://acc.dau.mil/smallbusiness>

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A Commenter's Checklist



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 Next 7 Days (165)
 Next 15 Days (366)
 Next 30 Days (739)
 Next 90 Days (1,038)

Newly Posted Regulations

Today (85)
 Last 3 Days (267)
 Last 7 Days (435)
 Last 15 Days (979)
 Last 30 Days (2,003)
 Last 90 Days (6,358)

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To



Comment Start Date is in the range From

To



Creation Date falls in the range From

To



Posted Date falls in the range From


To



Received Date falls in the range From

To



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[Needs Section 610 Review](#)

[Regulatory Flexibility Analysis - Required](#)

Small Business Administration - PreRule

Title	Regulation Identifier Number
Small Business Development Centers (SBDC) Program Revisions	3245-AE05


Small Business Administration - Proposed Rule





Title	Regulation Identifier Number
Small Business Technology Transfer (STTR) Policy Directive	3245-AF45
Small Business Innovation Research (SBIR) Program Policy Directive	3245-AF84
SBA Express Loan Program; Export Express Program	3245-AF85
Implementation of Small Business Disaster Response and Loan Improvement Act of 2008: Expedited Disaster Assistance Program	3245-AF88
Implementation of Small Business Disaster Response and Loan Improvement Act of 2008: Private Loan Disaster Program	3245-AF99
Standards for Collecting and Using Information About Clients That Utilize SBA's Management and Technical Assistance Programs	3245-AG01
Women's Business Center Program	3245-AG02
504 Regulatory Enhancements	3245-AG04
Small Business Jobs Act: Small Business Size Standards; Alternative Size Standard for 7(a) and 504 Business Loan Programs	3245-AG16

 [View Related Documents](#)**Title:** Small Business, Small Disadvantaged Business, HUBZone, and Service-Disabled Veteran-Owned Concerns and Appeal Regulations**Abstract:** SBA has standardized protest and appeal regulations across all small businesses and clarified the effect of a negative determination on the procurement in question. The rule clarifies that an award should not be made to an ineligible concern, and in cases where an award has been made prior to an SBA final decision finding a business to be ineligible, the contracting agency shall either terminate the contract, not exercise an option, or not award further task or delivery orders to the ineligible concern. SBA clarified how contracting officers select NAICS codes for multiple award task and delivery order contracts. The changes were prompted by recent bid protest litigation, a survey of cases handled by SBA's Government Contracting Area Offices, and recent rulings by SBA's Office of Hearings and Appeals.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 13 CFR 121; 13 CFR 124; 13 CFR 125; 13 CFR 126; 13 CFR 134 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 15 USC 632; 15 USC 634**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	03/01/2010	75 FR 9129
NPRM Comment Period End	03/31/2010	
Final Action	02/02/2011	76 FR 5680
Final Rule Effective	03/04/2011	

Regulatory Flexibility Analysis Required: Business**Government Levels Affected:** Federal**Federalism:** No**Energy Affected:** No**Agency Contact:** Dr. Khem Raj Sharma
Chief, Office of Size Standards
Small Business Administration
409 Third Street SW
Washington , DC 20416
Phone: 202 205-7189
FAX: 202 205-6390
E-Mail: khem.sharma@sba.gov

 List Table[Learn more about these Results](#)Results Per Page: 10 

Title	Doc Type		ID	Posted	Actions
Small Business, Small Disadvantaged Business, HUBZone, and Service-Disabled Veteran-Owned Protest and Appeal Regulations  Comments Due Mar 31, 2010 11:59 PM ET	Proposed Rule	SBA	0001	03/01/20	Open Docket Folder
Truth in Savings  Comments Due Mar 31, 2010 11:59 PM ET	Proposed Rule	FRS	FRS-2008-0171-0004	03/01/2010	
Small Business, Small Disadvantaged Business, HUBZone, and Service-Disabled Veteran-Owned Business Status Protest and Appeal Regulations 	Rule	SBA	SBA-2010-0003-0006	02/02/2011	Open Docket Folder
REGULATORY AGENDA Semiannual Regulatory Agenda 	Proposed Rule	SBA	SBA-2011-0016-0002	07/07/2011	Open Docket Folder

Direct links to Federal Register

